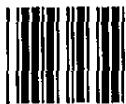


USDC SCAN INDEX SHEET



ADAMS

GENERAL DYNAMICS

RCM

3 : 97 - CV - 00616

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MAZZARELLA, DUNWOODY, WILSON & PETTY LLP

CLAUDETTE G. WILSON (110076)

LISA T. SCHROEDER (149338)

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8 Attorneys for Defendant

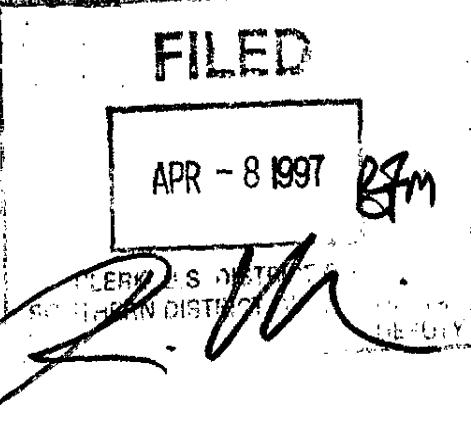
9 GENERAL DYNAMICS CORPORATION

10
11 UNITED STATES DISTRICT COURT

12 SOUTHERN DISTRICT OF CALIFORNIA

13 Case No. '97 CV 0616 E (AJB)

14 RICHARD D. ADAMS, MELANIE)
ARGO, MICHAEL L. BAFFONE,)
PHILIP P. BALISTRERI, ROBERT J.)
BARRY, DONALD BATES, DIANE)
BEDESSEM, GEORGE R. BELL, STEVE)
BIRMINGHAM, JAMES VICTOR)
BOWER, ROBIN DALE BOYD, JUAN)
DANIEL BROOKS, PAUL Q. CHAU)
SR., JAMES R. CLAUSEN,)
GREGORY M. COULTER, CARLOS F.)
CRUZ, ROBERT J. DABELOW JR.,)
ALBERTA DANISH, ROBERT G.)
DANZL, WAYNE F. DAVISON,)
CLAIRE DELUCA, RICHARD)
DELUCA, ARTHUR L. DILLEY, Z.)
LYNNETTE DOHERTY, GARY R.)
DRAY, PATRICIA L. DRIESLEIN,)
SERGIO ESPINOZA, JOSEPH H.)
EVOLA, MARK P. FERGUSON, IRENE)
ALISEA-FRETZ, RICCI FRETZ,)
HECTOR J. GARCIA, KATHLEEN)
GARCIA, ALINDA M.)
GIANSIRACUSA, BILL GIFFORD,)
MICHAEL J. GIORGETTA, JIM)
GRECO, TERENCE G. GREEN, JANE)
GREGORY, GENNARO)
GUASTAFIERRO, ALFRED M.)
GUERRA, EDMUND GUERRERO,)
NEAL C. HAAS, JAY P. HAESE,)
DAVID W. HALLAS, ROBERT)
HANSEN, BEV HARMAN, LEE A.)



NWL

1 HARPER, ROBERT J. HENETZ,)
2 RAYMOND HERRERA, ROSIE HICKS,)
3 DENNIS J. HONEYCUTT, DAVID R.)
4 JACKSON, DENNIS H. JACKSON,)
5 ADOLFO P. JARAMILLO, CORNELIUS)
(HENRY) JORDAN, DONALD)
6 KOLESAR, DONNA L. LONG,)
CHRISTOPHER LORE, VALERIE)
7 LUJAN, JAMES MCBRIDE, GIOVANNI)
MORETTA, DENNIA MOORE,)
8 TIMOTHY S. MOULD, DAVE G.)
MOYER, DONALD H. NAISH,)
9 VICKI D. NAISH, DEWEY G. NELSON,)
JOHN R. NEWMAN, RICHARD A.)
10 OSWALD, MICHAEL PLESE,)
ROBERT B. PORTER, FELICITAS)
11 QUITANIA, RENARD B. REID,)
TIMOTHY RICHARDSON, NORMA)
12 RICHMAN, RAYMOND ROBERTS,)
JOHN ROBUTKA, RALPH RUBIO,)
13 DOMINGO SANCHEZ, BERYL G.)
SCOTT, DONNAL L. SHUFFLER,)
14 PETER A. SHURKO, JACK SINNOTT,)
PRINTES L. SMITH, ROBERT A.)
15 SMITH, RICHARD C. SMITH, GLENN)
SPANGLER, RICHARD STURTZ,)
16 ERIC H. TAUBENBERGER, JANE E.)
TIERNEY, KATHLEEN TRAVIS,)
17 DIEGO TREVINO, KENT VIAN,)
RONALD E. WALTERS, FRANK D.)
WELLER, KENNETH WILSON,)
REBECCA D. WILSON, JOHN H.)
18 WINES, STEVE WINTERS, DAVID J.)
WYDYSH,)
19 Plaintiffs,)
20 v.)
21 GENERAL DYNAMICS)
CORPORATION, and DOES 1 through)
50, inclusive,)
22 Defendants.)

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28

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that Defendant General Dynamics Corporation,
3 ("General Dynamics") hereby removes to this court the state court action described below:

4 1. On March 10, 1997, a complaint was filed in the Superior Court of the
5 State of California in and for the County of San Diego, entitled Richard D. Adams, et al.
6 v. General Dynamics Corporation, as Case No. 708719, a copy of which is attached
7 hereto as Exhibit "A."

8 2. The first date upon which General Dynamics had notice that this complaint
9 was filed was on March 13, 1997. General Dynamics has not been served with a
10 summons and a copy of the complaint.

11 3. This action is a civil action of which this court has original jurisdiction
12 under 28 U.S.C. § 1331, and is one which may be removed to this court by General
13 Dynamics pursuant to the provisions of 28 U.S.C. § 1441(b) in that the exclusive remedy
14 for the allegations in the complaint, if any, is under the Fair Labor Standards Act (FLSA),
15 29 U.S.C. §§ 201 et seq.

16 4. General Dynamics is informed and believes that Plaintiffs in this action
17 were at the time of the commencement of this action, and at the time of the filing of this
18 Notice of Removal, citizens and residents of the State of California and other states, with
19 the exception of Delaware or Virginia.

20 5. General Dynamics was, at the time of the filing of this action, and still is, a
21 corporation incorporated under the laws of the State of Delaware, having its principal
22 place of business in the State of Virginia.

23 6. In paragraph 4 of the complaint, Plaintiffs allege fictitious parties "DOES 1
24 through 50." General Dynamics does not know their identity or their citizenship.
25 Complete diversity exists among all of the non-fictitious parties and pursuant to 28 U.S.C.
26 § 1441(a), the presence of nondiverse fictitious parties does not destroy diversity for
27 purposes of removal.

28

1 7. This action is a civil action of which this court has original jurisdiction
2 under 28 U.S.C. § 1332, and is one which may be removed to this court by General
3 Dynamics pursuant to the provisions of 28 U.S.C. § 1441(b) in that it is a civil action
4 between citizens of different states and General Dynamics is informed and believes that
5 the matter in controversy exceeds the sum of \$75,000 in the aggregate and as to each
6 plaintiff.

7 8. Less than 30 days have elapsed since this action became removable to this
8 court. 28 U.S.C. § 1446(b).

9 WHEREFORE, General Dynamics gives notice of removal of this action, and
10 removes this action, from the Superior Court of the State of California to the United
11 States District Court for the Southern District of California pursuant to 28 U.S.C.
12 § 1441(b).

13 DATED: April 7, 1997

MAZZARELLA, DUNWOODY, WILSON & PETTY LLP

By:

CLAUDETTE G. WILSON
LISA SCHROEDER
Attorneys for Defendant
GENERAL DYNAMICS CORPORATION

PI TS0141 IW

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~~FILED~~

CIVIL DIVISION

1997 MAR 10 P 3:51

KENNETH E. MARTONE
CLERK - SUPERIOR COURT
SAN DIEGO COUNTY, CA

507

1 MONAGHAN & WARREN
 2 BRIAN D. MONAGHAN
 3 State Bar No. 48354
 4 MICHAEL A. CONGER
 5 State Bar No. 147882
 1450 Front Street
 San Diego, CA 92101
 (619) 231-0059

6 Attorneys for all Plaintiffs except DAVISON,
 H. GARCIA, K. GARCIA, HONEYCUTT and MOORE

7 7475 01 06 00719 03/11/97 11:57
 0.001 NEW TIME \$185.00

8 TERRENCE JOSEPH RIZZO
 9 State Bar No. 91235
 10 1450 Front Street
 San Diego, CA 92101
 (619) 544-1800

11 Attorney for Plaintiffs DAVISON, H. GARCIA,
 12 K. GARCIA, HONEYCUTT and MOORE

507

13
 14 SUPERIOR COURT OF CALIFORNIA
 15 COUNTY OF SAN DIEGO

16 RICHARD D. ADAMS, MELANIE ARGO,)
 17 MICHAEL L. BAFFONE, PHILIP P.)
 18 BALISTRERI, ROBERT J. BARRY,)
 19 DONALD BATES, DIANE BEDESSEM,)
 20 GEORGE R. BELL, STEVE)
 21 BIRMINGHAM, JAMES VICTOR)
 22 BOWER, ROBIN DALE BOYD, JUAN)
 23 DANIEL BROOKS, PAUL Q. CHAU SR.,)
 24 JAMES R. CLAUSEN, GREGORY M.)
 25 COULTER, CARLOS F. CRUZ, ROBERT J.)
 26 DABELOW JR., ALBERTA DANISH,)
 27 ROBERT G. DANZL, WAYNE F.)
 28 DAVISON, CLAIRE DELUCA, RICHARD)
 29 DELUCA, ARTHUR L. DILLEY,)
 30 Z. LYNNETTE DOHERTY, GARY R.)
 31 DRAY, PATRICIA L. DRIESLEIN,)
 32 SERGIO ESPINOZA, JOSEPH H. EVOLA,)
 33 MARK P. FERGUSON, IRENE ALISEA-)
 34 FRETZ, RICCI FRETZ, HECTOR J.)
 35 GARCIA, KATHLEEN GARCIA,)
 36 ALINDA M. GIANSIRACUSA, BILL)
 37 GIFFORD, MICHAEL J. GIORGETTA,)
 38 JIM GRECO, TERRENCE G. GREEN,)

00708719
 CASE NO.
 COMPLAINT FOR DAMAGES
 (1) FRAUD AND DECEIT —
 FALSE PROMISE;
 (2) INTENTIONAL
 MISREPRESENTATION;
 (3) NEGLIGENT
 MISREPRESENTATION;
 AND
 (4) CONCEALMENT

EXHIBIT A

1 JANE GREGORY, GENNARO)
2 GUASTAFIERRO, ALFRED M. GUERRA,)
3 EDMUND GUERRERO, NEAL C. HAAS,)
4 JAY P. HAESE, DAVID W. HALLAS,)
5 ROBERT HANSEN, BEV HARMAN, LEE)
6 A. HARPER, ROBERT J. HENETZ,)
7 RAYMOND HERRERA, ROSIE HICKS,)
8 DENNIS J. HONEYCUTT, DAVID R.)
9 JACKSON, DENNIS H. JACKSON,)
10 ADOLFO P. JARAMILLO, CORNELIUS)
11 (HENRY) JORDAN, DONALD KOLESAR,)
12 DONNA L. LONG, CHRISTOPHER LORE,)
13 VALERIE LUJAN, JAMES MCBRIDE,)
14 GIOVANNI MORETTA, DENNIS MOORE,)
15 TIMOTHY S. MOULD, DAVE G. MOYER,)
16 DONALD H. NAISH, VICKI D. NAISH,)
17 DEWEY G. NELSON, JOHN R. NEWMAN,)
18 RICHARD A. OSWALD, MICHAEL)
19 PLESE, ROBERT B. PORTER, FELICITAS)
20 QUITANIA, RENARD B. REID, TIMOTHY)
21 RICHARDSON, NORMA RICHMAN,)
22 RAYMOND ROBERTS, JOHN ROBUTKA,)
23 RALPH RUBIO, DOMINGO SANCHEZ,)
24 BERYL G. SCOTT, DONNA L.)
25 SHUFFLER, PETER A. SHURKO, JACK)
26 SINNOTT, PRINTES L. SMITH,)
27 ROBERT A. SMITH, RICHARD C. SMITH,)
28 GLENN SPANGLER, RICHARD STURTZ,)
29 ERIC H. TAUBENBERGER, JANE E.)
30 TIERNEY, KATHLEEN TRAVIS, DIEGO)
31 TREVINO, KENT VIAN, RONALD E.)
32 WALTERS, FRANK D. WELLER,)
33 KENNETH WILSON, REBECCA D.)
34 WILSON, JOHN H. WINES, STEVE)
35 WINTERS, DAVID J. WYDYSH,)
36 Plaintiffs,)
37)
38 v.)
39)
40 GENERAL DYNAMICS CORPORATION,)
41 and DOES 1 through 50, inclusive,)
42)
43 Defendants.)
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GENERAL ALLEGATIONS

1. Defendant GENERAL DYNAMICS CORPORATION ("GENERAL DYNAMICS") is a Delaware corporation qualified to do business in San Diego County, State of California, and, at all relevant times, was doing business in San Diego County, California.

2. Plaintiffs are informed and believe and thereon allege that GENERAL DYNAMICS owns/owned and controls/controlled a division of the company known as the "Convair Division," and exercises/exercised substantial authority in devising and implementing employment practices and policies at Convair. Any reference to Convair includes GENERAL DYNAMICS as well.

3. Plaintiffs were employees of GENERAL DYNAMICS who worked at the Convair facility at Lindbergh Field in San Diego and whom GENERAL DYNAMICS improperly classified as "salaried exempt" during all or a portion of the period August, 1985 through January 5, 1996.

4. The true names or capacities, whether individual, corporate, associate, or otherwise, of defendants DOES 1 through 50, inclusive, are unknown to plaintiffs, who therefore sue said defendants by such fictitious names. Plaintiffs are informed and believe and thereon allege that each of the defendants designated herein as a DOES is responsible in some manner for the events and happenings herein referred to, and caused injury and damages proximately thereby to the plaintiffs as herein alleged. Plaintiffs will seek leave of court to amend this complaint to set forth the true names and capacities of such named defendants when their identities become known to the plaintiffs.

5. Plaintiffs are informed and believe and thereon allege that at all times relevant, each of the defendants was the agent, servant, representative, or employee of each of the remaining defendants, and was at all times relevant acting within the course and scope of such agency, service, or employment and with the knowledge, consent, permission, approval, or ratification of each of the co-defendants in doing the things herein alleged. Further, the tortious acts performed by all defendants, including DOES 1 through 50, were done in the

1 course and scope of their employment as representatives of GENERAL DYNAMICS and
2 were ratified and/or performed by an officer, director or managing agent of GENERAL
3 DYNAMICS.

4
FIRST CAUSE OF ACTION

5
**FRAUD AND DECEIT — FALSE PROMISE
(AGAINST ALL DEFENDANTS)**

6. Plaintiffs incorporate by reference each and every allegation set forth above as
7 if fully set forth here.

8. Beginning in at least August, 1985, and continuing throughout their
9 employment which ended when the Convair plant closed on January 5, 1996, GENERAL
10 DYNAMICS promised the plaintiffs that it would be law abiding and would pay the
11 plaintiffs correct and lawful wages according to laws governing additional compensation for
12 overtime hours worked by the plaintiffs.

13. GENERAL DYNAMICS also told the plaintiffs that they were not required to
14 — and in fact should not — accurately record all of the overtime hours the plaintiffs
15 worked.

16. These promises concerned a material matter, and at the time they were made
17 GENERAL DYNAMICS had no intention to perform these promises.

18. GENERAL DYNAMICS made these promises with an intent to defraud the
19 plaintiffs, that is, for the purpose of inducing plaintiffs to rely on them, or to act or refrain
20 from acting in reliance on them.

21. The plaintiffs were unaware of and in the exercise of reasonable diligence were
22 unable to discover GENERAL DYNAMICS' intention not to perform these promises. The
23 plaintiffs acted in reliance on GENERAL DYNAMICS' promises and were justified in that
24 reliance. GENERAL DYNAMICS further applied duress to plaintiffs in the form of threats
25 against their jobs, both with GENERAL DYNAMICS and in the aerospace industry, if they
26 asserted claims for overtime wages. The plaintiffs did not discover GENERAL
27 DYNAMICS' promises were false until less than three years before the date of the filing of
28

1 || this complaint.

2 12. As a result of their reliance on GENERAL DYNAMICS' promises, the
3 plaintiffs have sustained damages. These damages include, but are not limited to, the
4 overtime wages the plaintiffs were not paid during the period August, 1985, through January
5 5, 1996, and related consequential damages, such as pre-judgment interest, lost retirement
6 benefits, additional employer Social Security contributions and similar benefits.

7 13. The conduct of GENERAL DYNAMICS and its agents and employees, and
8 each of them as described herein, was despicable and was carried on by GENERAL
9 DYNAMICS with wilful and conscious disregard for the rights of the plaintiffs. GENERAL
10 DYNAMICS was aware of the probable dangerous consequences of its conduct and wilfully
11 and deliberately failed to avoid those consequences. This conduct constitutes malice,
12 oppression and fraud such that the plaintiffs are entitled, pursuant to California Civil Code
13 §3294, to recover punitive damages in an amount sufficient to punish and set an example
14 of GENERAL DYNAMICS.

SECOND CAUSE OF ACTION

**FRAUD — INTENTIONAL MISREPRESENTATION
(AGAINST ALL DEFENDANTS)**

18 14. Plaintiffs incorporate by reference each and every allegation set forth above as
19 if fully set forth here.

20 15. The defendants represented to the plaintiffs that each plaintiff had viable career
21 opportunities at GENERAL DYNAMICS and that at all times GENERAL DYNAMICS
22 would be law abiding and would pay the plaintiffs correct wages according to the law.

23 16. The defendants' representations were false, because at the time the
24 representations regarding career opportunities were made, the company had already decided
25 it would be closing the Convair Lindbergh Field facility. Further, the representations
26 regarding being "law abiding" were false, because at the time those representations were
27 made, GENERAL DYNAMICS was knowingly, recklessly and wilfully violating wage and
28 hour laws as they applied to plaintiffs, among others.

1 17. GENERAL DYNAMICS made these representations knowing them to be false
2 or with reckless disregard for their truth or falsity and with an intent to defraud the
3 plaintiffs, that is, for the purpose of inducing the plaintiffs to rely on them and to cause the
4 plaintiffs to refrain from asserting their overtime wage claims.

5 18. The plaintiffs were unaware of and in the exercise of reasonable diligence
6 were unable to discover the falsity of the defendants' representations. The plaintiffs acted
7 in reliance on those statements and were justified in that reliance. GENERAL DYNAMICS
8 further applied duress to plaintiffs in the form of threats against their jobs, both with
9 GENERAL DYNAMICS and in the aerospace industry, if they asserted claims for overtime
10 wages. The plaintiffs did not discover GENERAL DYNAMICS representations were false
11 until less than three years before the date of the filing of this complaint.

12 19. As the result of the plaintiffs' reliance on the defendants' statements, the
13 plaintiffs have sustained damages.

14 20. The conduct of GENERAL DYNAMICS and its agents and employees, and
15 each of them as described herein, was despicable and was carried on by defendants with
16 wilful and conscious disregard for the rights of the plaintiffs. Defendants were aware of the
17 probable dangerous consequences of their conduct and wilfully and deliberately failed to
18 avoid those consequences. The conduct of defendants constitutes malice, oppression and
19 fraud such that the plaintiffs are entitled pursuant to California Civil Code §3294 to recover
20 punitive damages in an amount sufficient to punish and set an example of defendants.

THIRD CAUSE OF ACTION

**FRAUD — NEGLIGENT MISREPRESENTATION
(AGAINST ALL DEFENDANTS)**

21. Plaintiffs incorporate by reference each and every allegation set forth above as
25 if fully set forth here.

22. The defendants represented to the plaintiffs that each plaintiff had viable career
23 opportunities at GENERAL DYNAMICS and that at all times GENERAL DYNAMICS
24

would be law abiding and would pay the plaintiffs correct wages according to the law.

23. The defendants' representations were false, because at the time the representations regarding career opportunities were made, GENERAL DYNAMICS had already decided it would be closing the Convair Lindbergh Field facility or selling it to another company. Further, the representations regarding being "law abiding" were false, because at the time those representations were made, GENERAL DYNAMICS was knowingly, recklessly and wilfully violating applicable wage and hour laws in California and elsewhere.

24. Regardless of the defendants' actual belief when they made these statements, the representations were made without any reasonable grounds for believing them to be true.

25. The defendants made these representations with an intent to induce the plaintiffs to rely on them.

26. The plaintiffs were unaware of and in the exercise of reasonable diligence were unable to discover the falsity of the defendants' representations. The plaintiffs acted in reliance on those statements and were justified in that reliance. GENERAL DYNAMICS further applied duress to plaintiffs in the form of threats against their jobs, both with GENERAL DYNAMICS and in the aerospace industry, if they asserted claims for overtime wages. The plaintiffs did not discover GENERAL DYNAMICS' representations were false until less than three years before the filing of this complaint.

27. As the result of the plaintiffs' reliance on the defendants' statements, the plaintiffs have sustained damages.

FOURTH CAUSE OF ACTION

**FRAUD — CONCEALMENT
(AGAINST ALL DEFENDANTS)**

28. Plaintiffs incorporate by reference each and every allegation set forth above as if fully set forth here.

29. The defendants concealed and suppressed material facts from the plaintiffs, namely that the plaintiffs' careers at GENERAL DYNAMICS were short lived, at best,

1 because the decision had already been made (unknown to the plaintiffs) to either shut down
2 the Convair Division or sell it to another company. Further, the defendants concealed and
3 suppressed GENERAL DYNAMICS' knowing, wilful, reckless and active violation of laws
4 pertaining to the payment of overtime wages.

5 30. The defendants were under a duty to disclose those facts, but, instead,
6 intentionally concealed and suppressed these facts with an intent to defraud the plaintiffs.

7 31. The plaintiffs were unaware of and in the exercise of reasonable diligence were
8 unable to discover these concealed facts and would not have acted as they did if they had
9 known the concealed and suppressed facts. GENERAL DYNAMICS further applied duress
10 to plaintiffs in the form of threats against their careers if they asserted claims for overtime
11 wages. The plaintiffs did not discover the facts GENERAL DYNAMICS suppressed and
12 concealed until less than three years before the date of the filing of this complaint.

13 32. As the result of defendants' intentional concealment and suppression of facts,
14 the plaintiffs have sustained damages.

15 33. The conduct of GENERAL DYNAMICS and its agents and employees, and
16 each of them as described herein, was despicable and was carried on by defendants with
17 wilful and conscious disregard for the rights of the plaintiffs. Defendants were aware of the
18 probable dangerous consequences of their conduct and wilfully and deliberately failed to
19 avoid those consequences. The conduct of defendants constitutes malice, oppression and
20 fraud such that the plaintiffs are entitled pursuant to California Civil Code §3294 to recover
21 punitive damages in an amount sufficient to punish and set an example of defendants.

22

23 WHEREFORE, plaintiffs pray for a judgment as follows:

24 1. For general damages according to proof;
25 2. For special damages according to proof;
26 3. For back wages and all other damages which could have been recovered by the
27 plaintiffs for the defendants' violations of laws;
28 4. For attorneys' fees;

- 1 5. For prejudgment interest;
- 2 6. For punitive damages on the first, second and fourth causes of action;
- 3 7. For costs of suit herein incurred; and
- 4 8. For such other and further relief as the court deems just and proper.

5 DATED: March 9, 1997

6 MONAGHAN & WARREN

7 By: 

8
9 BRIAN D. MONAGHAN
10 MICHAEL A. CONGER
11 Attorneys for all Plaintiffs except
12 Davison, H. Garcia, K. Garcia,
13 Honeycutt and Moore

14 DATED: March 9, 1997

15 
16 TERRENCE JOSEPH RIZZO
17 Attorneys for Plaintiffs
18 Davison, H. Garcia, K. Garcia,
19 Honeycutt and Moore

ORIGINAL

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 2 CLAUDETTE G. WILSON (110076)
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 4 550 West C Street, Suite 1050
 5 San Diego, CA 92101-3532
 6 (619) 236-9600

7 JENNER & BLOCK
 8 DAVID C. BOHAN
 9 CHRISTOPHER D. LIGUORI
 10 ROYCE R. BEDWARD
 11 One IBM Plaza
 12 Chicago, IL 60611
 13 (312) 222-9350

14 Attorneys for Defendant
 15 GENERAL DYNAMICS CORPORATION

10

11

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

| | | |
|------------------------------------|---|---------------------------|
| 13 RICHARD D. ADAMS, MELANIE |) | Case No. |
| 14 ARGO, MICHAEL L. BAFFONE, |) | |
| 15 PHILIP P. BALISTRERI, ROBERT J. |) | DECLARATION OF SERVICE BY |
| 16 BARRY, DONALD BATES, DIANE |) | MAIL |
| 17 BEDESSEM, GEORGE R. BELL, STEVE |) | |
| 18 BIRMINGHAM, JAMES VICTOR |) | |
| 19 BOWER, ROBIN DALE BOYD, JUAN |) | |
| 20 DANIEL BROOKS, PAUL Q. CHAU |) | |
| 21 SR., JAMES R. CLAUSEN, |) | |
| 22 GREGORY M. COULTER, CARLOS F. |) | |
| 23 CRUZ, ROBERT J. DABELOW JR., |) | |
| 24 ALBERTA DANISH, ROBERT G. |) | |
| 25 DANZL, WAYNE F. DAVISON, |) | |
| 26 CLAIRE DELUCA, RICHARD |) | |
| 27 DELUCA, ARTHUR L. DILLEY, Z. |) | |
| 28 LYNNETTE DOHERTY, GARY R. |) | |
| 29 DRAY, PATRICIA L. DRIESLEIN, |) | |
| 30 SERGIO ESPINOZA, JOSEPH H. |) | |
| 31 EVOLA, MARK P. FERGUSON, IRENE |) | |
| 32 ALISEA-FRETZ, RICCI FRETZ, |) | |
| 33 HECTOR J. GARCIA, KATHLEEN |) | |
| 34 GARCIA, ALINDA M. |) | |
| 35 GIANSIRACUSA, BILL GIFFORD, |) | |
| 36 MICHAEL J. GIORGETTA, JIM |) | |
| 37 GRECO, TERENCE G. GREEN, JANE |) | |
| 38 GREGORY, GENNARO |) | |
| 39 GUASTAFIERRO, ALFRED M. |) | |
| 40 GUERRA, EDMUND GUERRERO, |) | |
| 41 NEAL C. HAAS, JAY P. HAESE, |) | |
| 42 DAVID W. HALLAS, ROBERT |) | |
| 43 HANSEN, BEV HARMAN, LEE A. |) | |

1 HARPER, ROBERT J. HENETZ,)
2 RAYMOND HERRERA, ROSIE HICKS,)
3 DENNIS J. HONEYCUTT, DAVID R.)
4 JACKSON, DENNIS H. JACKSON,)
5 ADOLFO P. JARAMILLO, CORNELIUS)
6 (HENRY) JORDAN, DONALD)
7 KOLESAR, DONNA L. LONG,)
8 CHRISTOPHER LORE, VALERIE)
9 LUJAN, JAMES MCBRIDE, GIOVANNI)
10 MORETTA, DENNIA MOORE,)
11 TIMOTHY S. MOULD, DAVE G.)
12 MOYER, DONALD H. NAISH,)
13 VICKI D. NAISH, DEWEY G. NELSON,)
14 JOHN R. NEWMAN, RICHARD A.)
15 OSWALD, MICHAEL PLESE,)
16 ROBERT B. PORTER, FELICITAS)
17 QUITANIA, RENARD B. REID,)
18 TIMOTHY RICHARDSON, NORMA)
19 RICHMAN, RAYMOND ROBERTS,)
20 JOHN ROBUTKA, RALPH RUBIO,)
21 DOMINGO SANCHEZ, BERYL G.)
22 SCOTT, DONNAL L. SHUFFLER,)
23 PETER A. SHURKO, JACK SINNOTT,)
24 PRINTES L. SMITH, ROBERT A.)
25 SMITH, RICHARD C. SMITH, GLENN)
26 SPANGLER, RICHARD STURTZ,)
27 ERIC H. TAUBENBERGER, JANE E.)
28 TIERNEY, KATHLEEN TRAVIS,)
29 DIEGO TREVINO, KENT VIAN,)
30 RONALD E. WALTERS, FRANK D.)
31 WELLER, KENNETH WILSON,)
32 REBECCA D. WILSON, JOHN H.)
33 WINES, STEVE WINTERS, DAVID J.)
34 WYDYS,)
35 Plaintiffs,)
36 v.)
37 GENERAL DYNAMICS)
38 CORPORATION, and DOES 1 through)
39 50, inclusive,)
40 Defendants.)

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25
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28

1 I, the undersigned, declare under penalty of perjury that I am over the age of 18
2 years and not a party to this action. I am employed in the County of San Diego, State of
3 California, in the office of a member of the Bar of this Court, at whose direction this
4 service was made. My business address is Mazzarella, Dunwoody, Wilson & Petty, 550
5 West C Street, Suite 1050, San Diego, California 92101. I served the following
6 documents:

7 **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(b)**
8 **(FEDERAL QUESTION AND DIVERSITY)**

9 on the parties in this action, addressed as follows:

10 Brian D. Monaghan
11 Michael A. Conger
12 Monaghan & Warren
13 1450 Front Street
14 San Diego, CA 92101
15 Telephone: (619) 231-0059

16 Attorneys for Plaintiffs except
17 DAVISON, H. GARCIA, K.
18 GARCIA, HONEYCUTT and
19 MOORE

20 Terrence J. Rizzo
21 1450 Front Street
22 San Diego, CA 92101
23 Telephone: (619) 544-1800

24 Attorneys for Plaintiffs
25 DAVISON, H. GARCIA, K.
26 GARCIA, HONEYCUTT and
27 MOORE

28 By placing a copy in a separate envelope, with postage fully prepaid, for each addressee
29 named above and depositing each in the U.S. Mail at San Diego, California on
30 April 8, 1997.

31 I further declare that I am readily familiar with this firm's practice for processing
32 mail for collection and mailing by the United States Postal Service, said practice being
33 that mail is deposited with the United States Postal Service the same day it is placed for
34 collection, and that the above-listed documents were deposited in the ordinary course of
35 business.

36 Executed on April 8, 1997 at San Diego, California.

37 
38 JAMIE WEBB

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS

RICHARD ADAMS, et al.

DEFENDANTS

GENERAL DYNAMICS CORPORATION

FILED

APR - 8 1997

B7m

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Monaghan & Warren
1450 Front Street
San Diego, CA 92101
(619) 231-0059

ATTORNEYS (IF KNOWN) '97 CV 0616E (AJB)

Mazzarella, Dunwoody, Wilson & Petty LLP
550 West C Street, Suite 1050
San Diego, CA 92101
(619) 236-9600

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX
FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

| | PTF | DEF | PTF | DEF |
|---|----------------------------|----------------------------|---|--|
| Citizen of This State | X | 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

29 U.S.C. Section 201

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|--|--|--|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> PERSONAL INJURY | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 422 Appeal | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 423 Withdrawal | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | 28 USC 158 | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 630 Liquor Laws | 28 USC 157 | <input type="checkbox"/> 450 Commerce/ICC Rates/etc. |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 640 R.R. & Truck | PROPERTY RIGHTS | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 650 Airline Regs | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 660 Occupational Safety/Health | <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 810 Selective Service |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 850 Securities/Commodities/ Exchange |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | LABOR | SOCIAL SECURITY | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 891 Agricultural Acts |
| <input type="checkbox"/> 195 Contract Product Liability | CIVIL RIGHTS | <input type="checkbox"/> 720 Labor/Mgmt. Relations | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 892 Economic Stabilization Act |
| REAL PROPERTY | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act | <input type="checkbox"/> 863 DWG/DIWW (405(g)) | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 740 Railway Labor Act | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 894 Energy Allocation Act |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 443 Housing/ Accommodations | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | FEDERAL TAX SUITS | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 871 IRS—Third Party | <input type="checkbox"/> 950 Constitutionality of State Statutes |
| <input type="checkbox"/> 245 Torts Product Liability | | | 28 USC 7609 | <input type="checkbox"/> 890 Other Statutory Actions |
| <input type="checkbox"/> 290 All Other Real Property | | | | |

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or ReopenedTransferred from
5 another district
(specify) 6 Multidistrict Litigation

Appeal to District

 7 Judge from
Magistrate Judgment

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION
□ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:
JURY DEMAND: YES NOVIII. RELATED CASE(S)
IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

April 7, 1997

LISA T. SCHROEDER

UNITED STATES DISTRICT COURT

X 290 315 B